

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT SOUTH CAROLINA
COLUMBIA DIVISION

DISABILITY RIGHTS SOUTH
CAROLINA, ABLE SOUTH
CAROLINA, AMANDA McDUGALD
SCOTT, individually and on behalf of
P.S., a minor; MICHELLE FINNEY,
individually and on behalf of M.F., a
minor; LYUDMYLA TSYKALOVA,
individually and on behalf of M.A., a
minor; EMILY POETZ, individually and
on behalf of L.P., a minor; SAMANTHA
BOEVERS, individually and behalf of
P.B., a minor; TIMICIA GRANT,
individually and on behalf of E.G., a
minor; CHRISTINE COPELAND,
individually and on behalf of L.C., a
minor; HEATHER PRICE, individually
and on behalf of H.P., a minor; and
CATHY LITTLETON, individually and
on behalf of Q.L., a minor,

Plaintiffs,

v.

HENRY McMaster, in his official
capacity as Governor of South Carolina;
ALAN WILSON, in his official capacity as
Attorney General of South Carolina;
MOLLY SPEARMAN, in her official
capacity as State Superintendent of
Education; GREENVILLE COUNTY
SCHOOL DISTRICT; Horry COUNTY
SCHOOL DISTRICT; LEXINGTON
COUNTY SCHOOL DISTRICT ONE;
OCONEE COUNTY SCHOOL DISTRICT;
DORCHESTER COUNTY SCHOOL
DISTRICT TWO; CHARLESTON
COUNTY SCHOOL DISTRICT; and
PICKENS COUNTY SCHOOL
DISTRICT,

Defendants.

Case No. 3:21-cv-02728-MGL

**CONSENT MOTION TO STAY
CONFERENCE AND SCHEDULING
ORDER DEADLINES AND
PENDING BRIEFING DEADLINES**

On November 8, 2021, counsel for the parties held a Rule 26(f) Conference, during which all parties agreed to ask the Court to stay the remaining deadlines set forth in the Conference and Scheduling Order as well as all pending briefing deadlines in light of Defendants Henry McMaster and Alan Wilson's appeal of the Court's Order Granting Plaintiffs' Motion for Preliminary Injunction (Dkt. No. 80) to the Fourth Circuit Court of Appeals, Case No. 21-2070, until the Fourth Circuit has ruled on the appeal. A stay of these deadlines will conserve judicial resources and allow the parties to determine the relevant scope of discovery.

Accordingly, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.01, the parties respectfully move this Court for a stay of the following deadlines:

- a. all remaining deadlines set forth in the Conference and Scheduling Order (Dkt. No. 104);
- b. the deadline for Plaintiffs' Response to Defendant Alan Wilson's Motion to Dismiss (Dkt. No. 113) and Defendant Wilson's Reply; and
- c. the deadline for Defendant Henry McMaster's Reply to Plaintiffs' Response in Opposition to Defendant McMaster's Motion to Dismiss (Dkt. No. 116).

Upon resolution of the State Defendants' appeal of the Court's Order, the parties will confer and submit a new proposed schedule for the deadlines above.

November 10, 2021

Respectfully submitted,

WE SO MOVE:

WYCHE, P.A.

s/Rita Bolt Barker
Rita Bolt Barker
Federal Bar No. 10566
200 East Camperdown Way

Greenville, SC 29601
T: (864) 242-8235 | Fax: (864) 235-8900
E: rbarker@wyche.com

AMERICAN CIVIL LIBERTIES UNION OF SOUTH CAROLINA

Allen Chaney
Federal Bar No. 13181
P.O. Box 20998
Charleston, SC 29413
T: (843) 282-7953
E: achaney@aclusc.org

SOUTH CAROLINA APPLESEED LEGAL JUSTICE CENTER

Adam Protheroe
Federal Bar No. 11033
P.O. Box 7187
Columbia, SC 29202
T: (803) 816-0607 | Fax: (803) 779-5951
adam@scjustice.org

DISABILITY RIGHTS SOUTH CAROLINA

B. Randall Dong (Fed. Ct. ID 5989)
Anna Maria Conner (Fed. Ct. ID 5532)
Amanda C. Hess (Fed. Ct. ID 10303)
3710 Landmark Dr., Suite 208
Columbia, SC 29204
T: (803) 782-0639
dong@disabilityrightssc.org
conner@disabilityrightssc.org
hess@disabilityrightssc.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

Louise Melling*
125 Broad St.
New York, NY 10004
T: (212) 549-2637
E: lmelling@aclu.org

Susan Mizner*
39 Drumm Street
San Francisco, CA 94111
T: (415) 343-0781
E: smizner@aclu.org

ARNOLD & PORTER KAYE SCHOLER LLP

John A. Freedman*
601 Massachusetts Ave, NW
Washington, DC 20001
T: 202.942.5316
E: john.freedman@arnoldporter.com
*Motion to proceed *pro hac vice* forthcoming

Attorneys for the Plaintiffs

WE SO CONSENT:

s/Cathy L. Hazelwood
Cathy L. Hazelwood (Fed I.D. #5605)
Deputy Superintendent of Legal Affairs
SOUTH CAROLINA DEPARTMENT OF EDUCATION
1429 Senate Street, Suite 1015(A)
Columbia, South Carolina 29201
Email: chazelwood@ed.sc.gov
Telephone: (803) 734-8218

and

s/Leslie A. Cotter, Jr.
Leslie A. Cotter, Jr. (Fed I.D. #320)
RICHARDSON PLOWDEN & ROBINSON, P.A.
P.O. Drawer 7788
Columbia, South Carolina 29202
Email: lcotter@richardsonplowden.com
Telephone: (803) 771-4400

**ATTORNEYS FOR DEFENDANT MOLLY
SPEARMAN, in her official capacity as State
Superintendent of Education**

s/ *J. Emory Smith, Jr.*

J. EMORY SMITH, JR.
Deputy Solicitor General
Federal ID No. 3908
Email: ESmith@scag.gov

ALAN WILSON
Attorney General
Federal ID No.10457

ROBERT D. COOK
Solicitor General
Federal ID No. 285
Email: RCook@scag.gov

Thomas T. Hydrick
Assistant Deputy Attorney General
Federal ID No. 13322
Email: ThomasHydrick@scag.gov

Counsel for Defendant Wilson

s/Wm. Grayson Lambert

Thomas A. Limehouse, Jr. (Fed. Bar No. 12148)

Chief Legal Counsel

Wm. Grayson Lambert (Fed. Bar No. 11761)

Senior Legal Counsel

Michael G. Shedd (Fed. Bar No. 13314)

Deputy Legal Counsel

OFFICE OF THE GOVERNOR

South Carolina State House

1100 Gervais Street

Columbia, South Carolina 29201

(803) 734-2100

tlimehouse@governor.sc.gov

glambert@governor.sc.gov

mshedd@governor.sc.gov

Counsel for Governor Henry McMaster

s/John M. Reagle

John M. Reagle, Fed. I.D. No. 7723

jreagle@hmvlegal.com

Thomas K. Barlow, Fed. I.D. No. 7483

tbarlow@hmvlegal.com

Allison Aiken Hanna, Fed I.D. No. 7173

ahanna@hmvlegal.com

HALLIGAN MAHONEY WILLIAMS SMITH

FAWLEY & REAGLE, PA

P.O. Box 11367

Columbia, South Carolina 29211

(803) 254-4035

Attorneys for Defendants Greenville County School District,

Horry County School District, Oconee County School District

Dorchester County School District Two, Charleston County School District

Pickens County School District

s/David N. Lyon

David T. Duff (FED ID #623)

David N. Lyon (FED ID #12095)

DUFF, FREEMAN, LYON, LLC

P.O. Box 1486

Columbia, SC 29202

Telephone: (803) 790-0603

Facsimile: (803) 790-0605

Email: dduff@dfl-lawfirm.com

Email: dlyon@dfl-lawfirm.com

Attorneys for Lexington County School District One